

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY**

In re:)
)
)
LTL MANAGEMENT LLC,) BK Case: 23-12825-MBK
)
)
Debtor.)

**MRHFM'S¹ RESPONSE TO AMENDED
SUPPLEMENTAL DECLARATION OF RANDI S. ELLIS**

MRHFM objects to Randi Ellis' most recent declaration as inadmissible hearsay.²

MRHFM joins and adopts all arguments advanced by the TCC in its Response filed this morning (Dkt. 436). Ms. Ellis read all the objections to her appointment (Dkt. 354, Ellis 2nd Decl., ¶ 2) and heard all the arguments in Court on Wednesday. What's telling about her third sworn statement, filed yesterday, is what is not included.

There is no dispute that—after the Third Circuit vindicated future victims' fundamental rights on January 30th—Ms. Ellis, while FCR in *LTL1*, had discussions with Johnson & Johnson attorneys and voiced her support for a second bankruptcy. Therefore, one of the following must be true at the time she did so: (1) she was unaware of the scheme to cancel the 2021 Funding Agreement, in which case she acted in direct defiance

¹ Maune Raichle Hartley French & Mudd, LLC only represents mesothelioma victims, including over seventy-nine with filed cases in state court.

² "Hearsay" is defined as "a statement that: ... the declarant does not make while testifying at the current trial or hearing; [which] a party offers in evidence to prove the truth of the matter asserted in the statement." Fed. R. Evid. 801(c). The "statement" can include "a person's ... written assertion." Fed. R. Evid. 801(a). "[S]worn affidavits themselves generally contain inadmissible hearsay." *Saraceni v. MerchSource, LLC*, 2022 WL 283104, at *4 (E.D. Pa. 2022).

of the Third Circuit's decision; *or* (2) she was aware of the scheme and failed to tell the United States Trustee, the TCC and the Court, violating her fiduciary duty to future victims to maximize the assets available for them.

This argument was made on Wednesday at the hearing with Ms. Ellis and her counsel present. She doesn't address this in her third sworn statement. *See* Dkt. 415. In the face of written objections by the TCC, the US Trustee, MRHFM, and Mr. Crouch, Ms. Ellis wrote that while she "vehemently disagree[s] with the arguments proffered and the unsupported accusations" against her, she would "not engage in kind." Ellis Decl., ¶ 3. This response—or really, lack thereof—is in line with prior challenges to her authority.

The truth is Ms. Ellis and her lawyers have no legal basis for her positions. Ms. Ellis seeks to bar jury access to future talc victims, cap their state law damages, and bind them to a "compromise" with a bad faith debtor that can pay everyone in full. She's had multiple opportunities to explain her views with law and facts and address the arguments against her appointment. In three separate declarations she has failed to do so.

Ms. Ellis could have offered to sit for a deposition and to be cross-examined under oath. She did not. Ms. Ellis was present in Court on Wednesday and could have requested the opportunity to speak and to be cross-examined under oath. She did not. Rather, she has submitted yet another incomplete and deliberately vague "declaration" protesting her independence and avoiding the hard questions that are

critical to judging that independence and neutrality. This declaration—the third one in less than a month—is rank hearsay and inadmissible.

Ms. Ellis' support of a second bad faith bankruptcy is indefensible and disqualifying. For over 18 months the only burden has been on the sick people, and they tired of being preached to. MRHFM plaintiff JoAnna Levine, diagnosed with mesothelioma in 2020 at age 44, would have had tried or resolved her case in New York City by now but for this unprecedented nationwide injunction. 333 million people could say they support J&J's bogus plan,³ that doesn't give this Court jurisdiction. LTL has not filed in good faith, so this Bankruptcy Court lacks subject matter jurisdiction. This will never change.

Respectfully submitted:

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³ This is the current population of the United States, and tellingly, the amount of money Johnson & Johnson gives away to equity every ten days, outside this bankruptcy Court and without consequence.